



Judge Judith L. Kreeger, Chair
Florida Courts Technology Commission
c/o Office of the State Courts Administrator
500 S. Duval Street, Tallahassee, Florida 32399-1900

February 11, 2011

The Honorable David A. Monaco
Chief Judge
Fifth District Court of Appeal
300 South Beach Street
Daytona Beach, Florida 32114

RE: request for implementation of electronic filings in the Fifth District Court of Appeal

Dear Chief Judge Monaco:

Supreme Court Opinion No.SC10-241, In re: Amendments to the Florida Rules of Judicial Administration – Rule 2.236 (July 1, 2010) provides that the Florida Courts Technology Commission “evaluate all such applications to determine whether they comply with the technology policies established by the supreme court and the procedures and standards created pursuant to this rule, and approve those applications deemed to be effective and found to be in compliance.”

The purpose of this letter is to inform you that on November 12, 2010 the Appellate Court Technology Committee (ACTC) reviewed and recommended approval of your request to implement electronic filing in the Fifth District Court of Appeal, using the iDCA/eDCA system developed by the First District Court of Appeal. The ACTC approval was given contingent upon the system being certified as compliant with Section 508 of the Workforce Investment Act of 1998 and the Americans with Disabilities Act. It is my understanding that confirmation of such compliance was received by the Office of the State Courts Administrator on January 20, 2011.

As Chair of the Florida Courts Technology Commission I hereby approve your request to implement electronic filing in the Fifth District Court of Appeal.

Approval of this electronic initiative is contingent upon compliance with the policy considerations and directives regarding the development and application of new technological

standardization and enhancements as set forth by the Supreme Court and is subject to the following terms and conditions. Violation of any of the following conditions shall constitute grounds for revocation of the approval to continue electronic filing in the Fifth District Court of Appeal.

- a. The Fifth District Court of Appeal may implement the aforementioned technology procedures in accordance with the approved plan effective on the date of this letter and must adhere to the statewide standards for electronic access to the courts as outlined in In re: Statewide Standards for Electronic Access to the Courts, AOSC09-30 (Fla. July 1, 2009).
- b. The Fifth District Court of Appeal shall ensure that there is no possibility for vendors to release or distribute court data to third parties and that the clerk of court retains the designation as custodian of the court records.
- c. The Fifth District Court of Appeal shall ensure that contract provisions prohibit any vendor from extracting, data mining, or engaging in similar activities with regard to information from original court filings and other court records or any associated databases containing court records in the circuit for commercial or other non-court related uses.
- d. The Fifth District Court of Appeal shall ensure that no fees other than statutorily required fees are assessed or collected by the clerk of court.
- e. The Fifth District Court of Appeal shall ensure that the data is backed up and is recoverable. The clerk of court will ensure that remote data backups are stored in a protected environment a minimum of 50 miles from the primary production location of the court record or at a certified hardened facility, and that the circuit complies with established data backup standards as they are revised and updated.
- f. This approval does not constitute an approval of any electronic forms that may be used in this process.
- g. The Appellate Courts Technology Commission is currently considering two proposals for electronic filing in the appellate courts, with an eventual review and decision expected from the Supreme Court. The Clerk of the Fifth District Court of Appeal shall submit monthly progress reports, in the format attached to this letter, to the court until such decision is made by the Supreme Court. Copies of the monthly progress reports shall be provided to the Chief Judge of the Fifth District Court of Appeal, the Chair of the Appellate Courts Technology Committee, and the State Courts Technology Officer in the Office of the State Courts Administrator.
- h. Any attorney, party, or other person who files a document by electronic transmission with the Fifth District Court of Appeal shall immediately thereafter file the identical document in paper form with an original signature of the attorney, party, or other person if a

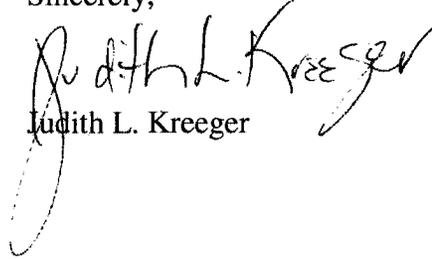
signature is otherwise required by the Rules of Judicial Administration (hereinafter referred to as the follow-up filing). The follow-up filing of any document that has been previously filed by electronic transmission may be discontinued if, after a 90-day period of accepting electronically filed documents, the Chief Judge of the Fifth District Court of Appeal certifies to the Florida Courts Technology Commission that the electronic filing system is efficient, reliable, and meets the demands of all parties and this Commission has authorized the elimination of the follow-up filing.

- i. The Fifth District Court of Appeal shall abide by In re: Revised Interim Policy on Electronic Release of Court Records, AOSC07-49 (Fla. Sept. 7, 2007).
- j. To ensure equal access to electronic filing across the state, the Supreme Court has directed that the Florida Courts Technology Commission make implementation of the statewide system a priority of the judicial branch. Two proposals are currently under consideration by the Appellate Courts Technology Committee, with a decision expected from the Supreme Court. At such time, all appellate courts will be required to migrate to the Supreme Court approved system.
- k. At the present time, the Supreme Court is considering enhancements to current electronic filing practices throughout the State. There is a possibility that these enhancements may include the development and application of new business practices and technology standardization. Because these enhancements may occur in the near future, it will be the responsibility of the Clerk or the Chief Judge of the Fifth District Court of Appeal to ensure that functionality of the proposed system related to electronic court records will also be made compliant with these new technological enhancements.
- l. The Clerk of the Fifth District Court of Appeal must continue to provide paper to the judiciary until the chief judge authorizes the elimination of paper files. At such time, the Clerk of the Fifth District Court of Appeal must convert all documents, beginning on the date of Supreme Court or Florida Courts Technology Commission (FCTC) approval, to a searchable document.

In addition to the foregoing enumerated terms and conditions, the chief judge may, pursuant to the chief judge's constitutional and statutory responsibility for administrative supervision of the district court, impose electronic filing system or related requirements by local administrative order that are consistent with the terms and conditions of this approval letter.

Should you have any questions, please do not hesitate to contact my office.

Sincerely,



Judith L. Kreeger

JLK: js

cc: The Honorable Stevan Northcutt, Chair, Appellate Courts Technology Committee
The Honorable C. Alan Lawson, ACTC Liaison, Fifth District Court of Appeal
The Honorable Susan Wright, Clerk of Court, Fifth District Court of Appeal
Marilyn Miller, Systems Administrator, Fifth District Court of Appeal
Christina Blakeslee, Office of the State Courts Administrator